



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 05855-01  
23 October 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: CDR [REDACTED], USN, [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 25 Jun 01 w/attachments  
(2) PERS-85 memo dtd 24 Aug 01  
(3) Memo for the Record dtd 2 Oct 01  
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of commander he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 01 Active Duty Line Commander Selection Board, vice the FY 02 Active Duty Line Commander Selection Board. He also impliedly requested removal of his failure of selection by the FY 01 promotion board. His current date of rank and effective date is 1 October 2001.

2. The Board, consisting of Messrs. Chapman, Cooper and Tew, reviewed Petitioner's allegations of error and injustice on 18 October 2001, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence at enclosure (2), PERS-85, the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case, has commented to the effect that Petitioner's request has merit and warrants favorable action. By recommending approval of his request to backdate his promotion, they also impliedly recommend removing his failure of selection by the FY 01 Active Duty Line Commander Selection Board.

c. The memorandum for the record at enclosure (3) reflects that PERS-85 has advised that had Petitioner been promoted pursuant to selection by the FY 01 promotion board, he would have received a date of rank (and by implication, effective date) of 1 August 2001.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. The Petitioner's naval record be corrected, where appropriate, to show he did not fail of selection by the FY 01 Active Duty Line Commander Selection Board.

b. That Petitioner's naval record be further corrected to show his date of rank and effective date in the grade of commander as 1 August 2001 vice 1 October 2001; and that his lineal precedence be adjusted accordingly.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

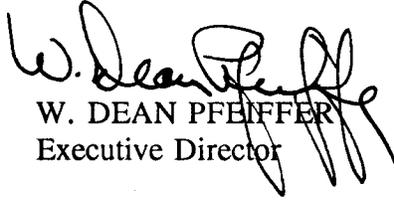
d. That any material directed to be removed from Petitioner's naval record be returned to this Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
PERS-85  
24 Aug 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending approval of LCDR [REDACTED] request for a date of rank adjustment for the rank of Commander.
2. On 9 May 01, LCDR [REDACTED] was approved by the Secretary of the Navy for a FY-01 Active Duty Commander Line Special Promotion Selection Board. The board was granted based on the fact that the member's record contained material error that was beyond his ability to correct.
3. Prior to the special selection board, scheduled 27 July 2001, LCDE [REDACTED] was selected by the regular FY-02 Active Duty Commander Line Promotion Selection Board. It is reasonable to consider that had LCDR [REDACTED] complete and corrected record gone before the FY-01 selection board he would have been selected. Recommend LCDE [REDACTED] be granted the requested FY-01 date of rank adjustment for the rank of Commander.

[REDACTED]

BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division

HD:hd  
Docket No. 05855-01  
2 October 2001

MEMORANDUM FOR THE RECORD

Subj: LCDR [REDACTED] JSN, [REDACTED]

Ref: (a) PERS-85 memorandum dtd 24 August 2001

- 1. Reference (a) indicated that SNO be recommended for a date of rank adjustment for the rank of commander.
- 2. It was indicated that he be backdated to FY 01 Active Duty Commander Line Selection Board, however, they did not give a date of rank for FY 01.
- 3. In conversation with PERS-85, Lieutenant [REDACTED], he indicated that the corrected date of rank should be 1 August 2001.

[REDACTED]

Examiner